

PATENT
Customer No. 34,986
Attorney Docket Nos. 01222.0034-00-000
and 01222.0034-01-000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte David A. RUSSO et al.

Application Serial No.: 08/544,212
Filed: October 17, 1995 and

Application Serial No.: 09/287,664
Filed: April 7, 1994

For: COATING COMPOSITION FOR
GLASS

) Appeal 2006-2684
) and
) Appeal 2006-2747
)
) Group Art Unit: 1755 (both applications)
) Examiner: D. Brunsman (both applications)
)

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22315-1450

Sir:

**APPELLANTS' RESPONSE TO THE DECEMBER 14, 2006 INTERLOCUTORY ORDER OF
SENIOR ADMINISTRATIVE PATENT JUDGE MCKELVEY**

Appellants respond to the December 14, 2006 interlocutory order ("the order") of Senior Administrative Patent Judge McKelvey by canceling all claims on appeal in both applications without prejudice or disclaimer. Cancellation of these claims makes the issues raised in the order moot, and places the allowed claims in condition for the application to go to issue. Appellants have also sent courtesy copies of these amendments to the Board of Patent Appeals and Interferences under separate cover.

The order also requested appellants, independent of the submissions suggested, to demonstrate compliance with 35 U.S.C. § 135 (b). In this regard, the file histories of the applications in these appeals show the claims trace their filing back to October

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17, 1995, a time prior to the one year anniversary of the earliest to issue of the three patents cited in the order, i.e., United States Patent 5,356,718 issued October 18, 1994.

In answer to the inquiry of Senior Administrative Patent Judge McKelvey, appellants do not have a paper copy of the file history of United States Patent No. 5,356,387.

Lastly, please send all correspondence to the following address in view of the Power of Attorney filed by the applicants' assignee on June 24, 2005. The order was misdirected to the offices of Finnegan Henderson who forwarded a copy to the undersigned attorney as a courtesy.

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Respectfully submitted,
The Law Offices of Robert J. Eichelburg

Dated: January 30, 2007

By: _____
Robert J. Eichelburg, Reg. No 23,057

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CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8

I hereby certify this correspondence is being submitted to the Board of Patent Appeals and Interferences by facsimile transmission pursuant to 37 C.F.R. § 1.8 at facsimile telephone number (571) 273-0042 on the date indicated below.

By:


Robert J. Eichelburg Reg. No 23,057

Dated: January 30, 2007